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| 09/863,254 | 05/24/2001 | Hiroyasu Shino | 1538.1014 | 9281 |

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| EXAMINER |
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RHODE JR, ROBERT E

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| ART UNIT | PAPER NUMBER |
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3625

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,254

Applicant(s)

SHINO ET AL.

Examiner

Rob Rhode

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/863,254.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/863,254, filed on 5/24/2001.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

Claims 4 and 15 are objected to because of the following informalities: The spelling of "step" is incorrect. Applicant is encouraged to correct these and other spelling errors.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5 – 8, 11 – 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney (US 6,381,583 B1) in view of Morris (US 6,353,848 B1).

Regarding claim 1 and related claims 2, 6 - 8 and 12 - 13, Kenney teaches a method for selling a commodity via a network (see at least Abstract). In addition and regarding claim 5 and related claims 11 and 16, Kenney teaches a method further comprising the steps of: if a purchase instruction of the selected individual commodity is received from said user terminal, acquiring identification information of said selected individual commodity itself; and transmitting said identification information of said selected individual commodity itself to said selected individual commodity itself to said user terminal (see at least Col 1, lines 41 – 48).

However, Kenney does not specifically disclose and teach said method comprising the steps of: if instruction information regarding an arbitrary display manner of an arbitrary individual commodity selected by a user is received from a user terminal, outputting to

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an apparatus for photographing, a first photographing request for acquiring image information at this moment according to said arbitrary display manner of the selected individual commodity itself; and transmitting to said user terminal, said image information of the selected individual commodity itself, said image information photographed by said apparatus for photographing.

On the other hand, Morris teaches said method comprising the steps of: if instruction information regarding an arbitrary display manner of an arbitrary individual commodity selected by a user is received from a user terminal, outputting to an apparatus for photographing, a first photographing request for acquiring image information at this moment according to said arbitrary display manner of the selected individual commodity itself (see at least Col 4, lines 21 – 23 and 64 – 66 as well as Figures 6 and 7); and transmitting to said user terminal, said image information of the selected individual commodity itself, said image information photographed by said apparatus for photographing (see at least Col 5, lines 11 – 14 and Figure 7). Regarding claim 2, Morris teaches a method to enable subsequent (second) request for photographs as well as transmitting them back to a user (Col 5, lines 15 – 20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Kenney with the method of Morris to have enabled a method for selling a commodity via a network, said method comprising the steps of: if instruction information regarding an arbitrary display manner of an arbitrary individual

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commodity selected by a user is received from a user terminal, outputting to an apparatus for photographing, a first photographing request for acquiring image information at this moment according to said arbitrary display manner of the selected individual commodity itself; and transmitting to said user terminal, said image information of the selected individual commodity itself, said image information photographed by said apparatus for photographing – in order to discern and photograph desired item. In this manner, the user will be able to remotely view and photograph an item, without being physically present. In this manner, additional users can be achieve access to an event, which will increase participation as well as user satisfaction. In this manner, the event will increase the potential sales volume through ease of access as well due to increase user satisfaction and increase the probability that the user will recommend the event to others.

Claims 3, 4, 9, 10, and 14 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kenney and Morris as applied to claims 1, 7 and 12 above, and further in view of “Era of robot waltzes in”; Yoshiko Hara; Electronic Engineering Times; Manhasset; Nov 27, 2000, Iss 1142; pg 1, 2 pgs (hereafter referred to as “Robot I”) and “The Yomiuri Shimbun/ Daily Yomiuri: Robo doggie has it’s day”; The Daily Yomiuri; Tokyo; Nov 4, 2000; pg 1 (hereafter referred to as “Robot II”).

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The combination of Kenney and Morris substantially discloses and teaches the applicant's invention.

However, the combination does not specifically disclose and teach, wherein the apparatus includes a Robot, which responds to multiple requests for photographs of a commodity item from a user as well as system that includes a server for controlling the Robot.

On the other hand and regarding claim 3 and related claims 9 and 14, Robot I and II teaches a method and system, wherein said apparatus for photographing includes a robot provided for a shop, and said method further comprises the steps of: according to said first photographing request, controlling said robot to change a photographing method for the selected individual commodity itself (Robot II, page 2); and if a purchase instruction of the selected individual commodity is, received from said user terminal, instructing said robot to convey said selected individual commodity within said shop (Robot I, pages 2 and 4). Please note that Robot I and II does not specifically refer to moving a commodity. However, Robot I on page 2 does state "taking on dangerous work not fit for humans" and page 4 as ("a partner" for people around the house and on the job). In that regard, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and systems of Robot I and II with a capability for the robot to move the item.

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Regarding claim 4 and related claim 10, Robot I and II teaches a method and system, wherein said apparatus for photographing includes a robot provided for a shop, and said method further comprises a step of: according to said second photographing request (Robot II, page 2), controlling said robot to move while photographing until said robot reaches an exhibition position of said selected purchase plan commodity (see Robot II, page 2). Please note that Robot II does not specifically addressing controlling a Robot to move while photographing. However, it was old and well known that robots' have this capability – even at very long distance via RF transmission commands to move and take photographs. For example, this method was used before the time of the applicant's invention and please see "A touch of Mars Sanjida O'Connell looks at an earthbound scientist's attempt to feel the surface of a distant planet through a robot's fingers"; Sanjida O'Connell; The Guardian; Manchester; Feb. 12, 2000, see page 3). In that regard, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Robot I and II with the capability to receive instructions via RF transmissions and carry out a task to photograph selected items, such as first item or later a second item.

Regarding claim 15, Robot I and II teach a computer system, wherein said apparatus for photographing includes a robot provided for a shop (Robot I, page 2), and said computer system further comprises: a second controller for controlling said robot to move while photographing until said robot reaches an exhibition position of said

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selected purchase plan commodity, according to said second photographing request (Robot II, page 2 and 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Kenney and Morris with the system of Robot I and II to have enabled wherein the apparatus includes a Robot, which responds to multiple request for photographs of a commodity item from a user as well as system that includes a server for controlling the Robot – in order to respond to commands received via RF transmissions to take a photograph. In this regard, the method and system will be able to receive and achieve task under the control of the method and system and thereby achieve enhanced functionality, which will increase customer satisfaction.

Conclusion

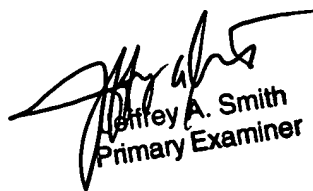
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is Bartsch (US 6,459,955 B1), which addresses a moveable robot.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 703.305.8230. The examiner can normally be reached on M-F 7:30am - 4:00pm.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.1113.

RER



Jeffrey A. Smith
Primary Examiner